HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No. 7481 of 2007

PETITIONER PLAINTIFF — Mohan Lal son of Jodh Rai Soni, aged about 75 years, resident of Saja, Tahsil Saja, District Durg (C.G.)

VERSUS

RESPONDENTS DEFENDANTS

1. State of Chhattisgarh, through – District Collector, Durg (C.G.)
2. Smt. Kamla Bai widow of Feku Soni, aged about 50 years, Resident of Shanti Nagar, Bhilai-3, District Durg (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Shri Vimlesh Bajpai, counsel for the petitioner.

ORAL ORDER
(Passed on 17th December, 2007)

Petitioner moved an application under Order 18 Rule 1 of Code of Civil Procedure with a prayer that the defendants be directed to lead his evidence first, thereafter they shall consider it.

Learned counsel for the petitioner submits that the order has been wrongly passed by the Court below and his application should have been allowed because the defendants No. 1 and 3 died during the proceedings. Thereafter their names have already been deleted. No other point has been pressed.

This Court is of the opinion that the plaintiff has no right to file such an application because this can only be possible for defendants to move such application. Accordingly, no interference is warranted and the writ petition is dismissed.

Sd/-
Acting Chief Justice